

## **Recommendations on the Article 5 extensions process**

### **President of the Eleventh Meeting of the States Parties**

#### **Agenda Item 9b**

At 7MSP, we established a process for the preparation, submission and consideration of requests for extensions to Article 5 deadlines. This process has now been used every year since 2008.

This process has led to the establishment of an orderly and predictable calendar for submitting, analysing and considering requests for extensions.

Benefits of the process have included that it has resulted in the most comprehensive information ever prepared on the state of implementation by several requesting States Parties.

In addition, some requesting States Parties have seized on the opportunity presented by the process to reinvigorate interest in their national demining programme, to reinforce national ownership and to demonstrate that implementation is possible in a relatively short period of time.

The process has also brought to light the need for all States Parties in the process of implementing Article 5, particularly those that may believe it will be necessary at a future date to submit an extension request, to intensify and accelerate efforts to locate and report on all mined areas that contain, or are suspected to contain, anti-personnel mines.

In addition, the process has pointed to the value of States Parties requesting only the period of time necessary to gather and assess data on landmine contamination with a view to developing a meaningful forward looking plan based on this information.

Finally, the process has culminated in formal meetings both taking decisions on requests and recording common understandings and concerns.

While the process has produced benefits for the States Parties, it has not been without its challenges.

In 2008 and every year after, it has been recorded that the commitment required on the part of analysing group members is great and that the burden is heavy.

For instance, at the 11MSP it was noted that the engagement in and contributions to the analysis process from most States Parties mandated to carry out the task remained less than anticipated and hoped for.

The 11MSP therefore mandated the analysing group in 2012 to reflect on the process in order to ensure that high quality requests and the analysis of them continue to be the norm.

In terms of ensuring that high quality requests continue to be submitted, we have the following six recommendations to make:

- One: The suggested outline for organising the content provided in Article 5 extension requests is a good starting point and should be used in a flexible manner by requesting States Parties, with adaptations made if necessary according to national circumstances.
- Two: The extent of the past or present challenge should be expressed in requests in terms consistent with the language of the Convention, for example, as “areas in which anti-personnel mines are known to be emplaced” or “areas in which anti-personnel mines are suspected to be emplaced.”
- Three: In recalling past commitments, requesting States Parties should express, in their plans, projections for releasing areas disaggregated according to the use of non-technical survey, technical survey and clearance, and with the size of these areas clearly and consistently expressed.
- Four: Requesting States Parties should give due attention to the appeal first made in 2008 to ensure that final versions of requests for extensions include a 2-5 page executive summary containing an overview of information necessary for an informed decision on the request to be taken.
- Five: Requesting States Parties should take advantage of the opportunity to demonstrate the seriousness of their commitment to proceed as soon as possible towards completion by detailing plans in their request which (a)

over a period of up to five years express what and how much will be done by whom, where and when, with what assets and requiring what quantity of resources derived from which source, and (b) where relevant, contain initial projections of expected progress in later years.

- And six: The States Parties should consider taking decisions on requests that call for both mid-term assessments of requesting State Parties' efforts to implement Article 5 and revised plans to be submitted three to five years after requests have been granted.

With respect to ensuring that high quality analyses continue to be prepared, we have the following five recommendations to make:

- One: The analysing group should continue to call for extensive expert input to draw out key technical, legal and policy issues in requests and to more generally enable the group to better understand and assess the requests.
- Two: The analysing group should call for expert input as soon as possible following the receipt of requests and, if additional information or revised requests are provided by requesting States Parties, the analysing group should consider again drawing upon expert organisations to provide views.
- Three: The analysing group should aim to complete as much of its work as possible before July, in part by being as ready as possible to begin its work once requests are submitted. To accelerate the process, the analysing group may wish to be briefed by the ISU on the process and working methods before 31 March of each year.
- Four: The analysing group should request that the ISU follow-up with requesting States Parties immediately after requests have been received in order to address any information discrepancies and clarity challenges.

In addition, the pre-analysis efforts of the Co-Chairs of the Standing Committee on Mine Clearance should continue in an effort to immediately seek any additional information that may be required to make a complete analysis.

As well, requesting States Parties should consider incorporating additional information provided into their requests, for example, by revising their

requests to include relevant additional information that is furnished in the course of the analysis process.

- And six: The States Parties should give due regard to their repeated commitments to provide the necessary funding to the ISU to provide the support required by the States Parties.

Finally, with respect to ensuring a cooperative engagement of Article 5 implementing States Parties continues after requests have been granted, we have the following three recommendations to make:

- One: At both meetings of the Standing Committees and formal meetings, States Parties that have been granted extensions should be requested to provide updates on efforts to implement the plans contained in their requests. Such reports should clearly document progress and challenges relative to what it committed to achieve.
- Two: To assist States Parties that have been granted extensions in updating States Parties on their efforts, the analyses of requests and decisions taken on them should contain annual benchmarks on projected survey and clearance activities, planned allocation of financial and other resources, plus other actions such as development of new standards and policies, et cetera.
- And three: Progress reports or other documents prepared for formal meetings should document the efforts of States Parties in implementing the plans contained in their extension requests, highlighting if necessary the need for more intensive cooperative dialogue in instances when States Parties are falling behind their expressed benchmarks for progress.